

**IN THE UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

GREG HICKS, individually, and as
Next Friend and Natural Guardian of
EMMA HICKS, a minor,

Plaintiffs,

v.

PEANUT CORPORATION OF AMERICA, a
Georgia corporation; KELLOGG COMPANY, a
Delaware Corporation; and STEWART
PARNELL, individually,

Defendant.

CASE NO. 09-CV-00028-WLS

JURY TRIAL DEMANDED

STIPULATION

Plaintiff GREG HICKS, by and through his attorneys FLYNN PEELER & PHILLIPS, LLC and MARLER CLARK, L.L.P., P.S., hereby agrees and stipulates that Defendant KELLOGG COMPANY shall have until September 17, 2009 to answer or otherwise plead in response to Plaintiffs' Complaint. In so stipulating, Plaintiffs state as follows:

1. Plaintiffs filed their Complaint in this action on February 11, 2009 and mailed a Waiver of Service of Summons to a representative of Defendant on April 3, 2009.
2. A representative of Defendant signed and returned the Waiver of Service of Summons on April 23, 2009, making June 2, 2009 the original deadline by which Defendant was to answer or otherwise plead to the Complaint.
3. By electronic communication dated June 1, 2009, the deadline date for Defendant to answer or otherwise plead to the Complaint was extended to August 3, 2009.

4. The discussions between counsel for Plaintiffs and counsel for Defendant regarding possible procedures and strategies for resolving this and similar lawsuits that Plaintiffs' counsel has filed against Defendant in other jurisdictions have continued. Counsel for the parties hope to finalize shortly a plan with the bankruptcy trustee for the Peanut Corporation of America to create a fund out of which the present lawsuit could be resolved. In order to continue and finalize such discussions prior to the parties joining issue in this litigation, Counsel for Plaintiff agrees to extend until September 17, 2009 the date by which Defendant must answer or otherwise plead in response to Plaintiffs' Complaint.

5. Counsel for Plaintiffs states that this stipulation to extend the pleading deadline is given not for purposes of delay but rather in the hopes of expediting resolution of this case, and in the process conserving the resources of the Court and the parties.

Accordingly, subject to the approval of this Court, Plaintiffs hereby agree and stipulate that Defendant Kellogg Company shall have until September 17, 2009 to answer or otherwise plead in response to Plaintiffs' Complaint.

Dated: July 31, 2009

FLYNN PEELER & PHILLIPS, LLC

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